THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.12786 OF 2006

DATED 26.06.2006

BETWEEN

Mohammed Zabi-Ul-Hassan

… Petitioner

and

The District Collector, Hyderabad District, Hyderabad
And others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO
WRIT PETITION No.12786 OF 2006

ORDER:

It is the case of the petitioner that his father was given oral gift of land admeasuring 2,500 square yards with room and compound wall by one Rahmat Khatoon, who was the owner of the land admeasuring Acs.18.00 in survey No.297/3/1 in Gudimalkapur Village near Hyderabad. He also alleges that his father has been regularly paying taxes to the Municipal Corporation of Hyderabad in premises No.12-2-752/A/1/A and non-agricultural land taxes to Government of Andhra Pradesh. His father appears to have filed a suit, being O.S.No.85 of 2004, on the file of the Court of the II Additional Chief Judge, City Civil Court, Hyderabad, against M/s.Satapathi Government Employees Cooperative Housing Society (the Society, for brevity) and the same was decreed. After the death of his father, the petitioner allegedly succeeded to the property. He also alleges that when the defendant in the suit addressed to the Hyderabad Urban Development Authority (HUDA) for a clarification whether it is a Government land or not, the Project Officer sent a letter stating that HUDA has no objection in the Society to purchase the land admeasuring Acs.5.00. Be that as it is, it is alleged that in May 2006, the Mandal Revenue Officer (MRO), Asif Nagar, came to the land and claimed it as a Government land and asked the petitioner to vacate the premises. Therefore, he approached the third respondent with an application for conducting survey and demarcating the land in survey Nos.297/3/1, 297/1, 2 and 3. The third respondent allegedly refused to receive the application, aggrieved by which the

present writ petition is filed praying for a writ of Mandamus directing the third respondent to receive the application and conduct the survey as prayed by the petitioner.

At the stage of admission itself, the learned Assistant Government Pleader opposed the writ petition. He filed a Xerox copy of the Judgment, dated 26.07.1993, in LGC No.134 of 1989 passed by the Special court under A.P. Land Grabbing (Prohibition) Act, 1992, at Hyderabad. After taking this Court through such Judgment, he submits that the second respondent filed the said LGC before the Special Court against encroachment of the land in survey Nos.297/3P, 297, 298 and 299/2 (correlated to T.S.Nos.9, 15, 14 and 10 of Gudimalkapur Village), that the Special Court decreed the case in favour of the Government, giving liberty to Government to demolish the structures raised in the Government land. He also submits that challenging the same, Society filed a writ petition being W.P.No.12204 of 1993 and this Court dismissed the same on 08.06.2006 confirming the Judgment of the Special Court. It is also submitted by the learned Assistant Government Pleader that the land in possession is the graveyard land vacant on the ground, and therefore, there is no question of demarcating the Government land. In that view of the matter, the writ petition must be held to have been filed making allegations, which are factually incorrect.

The writ petition is therefore dismissed. No costs.

_____

(V.V.S.RAO,J)

26.06.2006
pln